

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ATLANTIC WIRELESS, INC.,

Plaintiff,

-against-

STELLAR COMMUNICATIONS, INC., et al.,

Defendants.
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LINDSAY, Magistrate Judge:

Before the court is the defendants' application seeking to quash the plaintiff's subpoena, which aims to depose Sabina Dhillon, Esq. ("Dhillon"), the attorney that represented them in their transactional matters related to their business dealings with the plaintiff. Dhillon drafted the non-binding memorandum of understanding and at least five versions of a proposed asset purchase agreement at the heart of this matter. Dhillon also negotiated on the defendants' behalf and performed due diligence for the defendants in connection with the agreement. Although the court agrees that many of the communications between Dhillon and the defendants would be protected by privilege, the court cannot rule in advance on this issue as questions that may be posed during the deposition may also seek non-privileged responses.

Accordingly, the motion is denied. If disputes arise during the deposition regarding whether or not information is protected by the attorney-client privilege, the plaintiff may submit an application to the court setting forth the specific questions that were asked, the objections that were made, and its good faith basis for believing that the assertion of privilege was not appropriate.

Dated: Central Islip, New York
August 25, 2014

SO ORDERED:

_____/s/_____
ARLENE ROSARIO LINDSAY
United States Magistrate Judge